

Appln. No. 10/736,139
Response dated Dec. 12, 2005
Regarding Office Action dated Aug. 11, 2005
Docket No. BOC9-2003-0085 (456)

REMARKS/ARGUMENTS

These remarks are offered in response to the Office Action of August 11, 2005 (Office Action). This response is filed after the 3-month shortened statutory period, and as such, a retroactive extension of time is hereby requested. The Examiner is authorized to charge the appropriate extension fee to Deposit Account 50-0951.

Claims 1, 2, 4, 6, 7, 9, 11, 12, 14, 16, and 17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,788,705 to Rango (hereinafter Rango). Claims 1, 3, 5, 6, 8, 10, 11, 13, 15, and 16 were rejected under U.S.C. § 102(e) as being unpatentable over U.S. Published Patent Application No. 2003/0053449 to Owens, et al. (hereinafter Owens).

Applicants have amended each of independent Claims 1, 6, and 11 to emphasize certain aspects of Applicants' invention. The claim amendments are supported throughout the Specification, as discussed herein. (See, e.g., Specification, p. 8, paragraphs 0019-0020, and pp. 9-10, paragraph 0028.) No new matter has been introduced by virtue of the amendments.

I. Applicants' Invention

It may useful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by amended Claim 1, is a method of automatically resolving a Digital Subscriber Line failure. The method can include detecting a failure of the Digital Subscriber Line, and in response thereto, establishing a call over a public switched telephone network with an administrative system for the Digital Subscriber Line.

The method can further include notifying the administrative system for the Digital Subscriber Line of the failure over the established call, whereby the administrative system causes the Digital Subscriber Line to be reset. Additionally, the method can include storing in a data store notification information received by the administrative

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system and/or information generated by the administrative system relating to a course of action implemented by the administrative system in response to the notifying step. The information, moreover, can be stored in a data store connected to the administrative system. (See Specification, p. 8, paragraphs 0019-0020; see also FIG. 1, especially elements 125 and 130, and FIG. 2, step 230.) The method also can include sending a message informing a subscriber to the Digital Subscriber Line of when resumption of service over the Digital Subscriber Line is expected. (See Specification, pp. 9-10, paragraph 0028, and FIG. 2, step 235.)

II. The Claims Define Over The Prior Art

As already noted, independent Claims 1, 6, and 11 were rejected as anticipated by both Rango and Owens. Applicants respectfully assert, however, that neither of the references teaches, expressly or inherently, each of the features recited in independent Claims 1, 6, or 11, as amended.

Neither Rango nor Owens, for example, expressly or inherently teaches storing notification information received by the administrative system or information generated by the administrative system relating to a course of action implemented by the administrative system in response to the notification. Moreover, neither reference expressly or inherently teaches a data store, or memory, that is directly linked or connected to an administrative system of a Digital Subscriber Line.

Rango is directed to Digital Subscriber Line (DSL) modems that allow data to be sent over telephone lines ordinarily used to provide analog voice service. (Col. 3, lines 6-9; see also Abstract.) In the event that the "high-speed portion" of a subscriber line is impaired, diagnostic information is passed over "a more stable part of the channel," the voice band channel. (Col. 3, lines 11-17.) Rango discloses that the diagnostic information includes "parameters that . . . two non-connecting DSL modems see on their respective sides of the line." (Col. 3, lines 17-20.)

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Although Rango discloses the exchange of diagnostic payloads including such parameters, Rango is entirely silent as to the storage of any information pertaining to notification information received by the administrative system, as recited in each of the amended independent claims. Likewise, Rango is silent as to the storage of any information generated by the administrative system or, more specifically, such information as it relates to a course of action implemented by the administrative system in response to a notification of a DSL failure, as also recited in each of the amended independent claims. The only data stored in Rango is that which comprises a "fail-safe startup program." (Col. 4, lines 4-8.)

Moreover, Rango does not expressly or inherently teach the storing of any information in a data store connected to an administrative system for a DSL. Data storage in Rango pertains to storage of the fail-safe startup program, but it is not stored in a data store connected to an administrative system. Rather, the data is stored in the read-only memory (ROM) of a controller that controls a modem at the "subscriber side of the [DSL] line." (See Col. 3, lines 33-37 and 53-55, and Col. 4, lines 4-8; see also FIG. 3.) Accordingly, Rango provides no explicit or inherent teaching of a data store linked to an administrative system, as recited in amended independent Claims 1, 6, and 11.

Owens similarly fails to expressly or inherently teach the features recited in each of the independent claims, as amended. Owens is directed to a method for remotely communicating with a Broadband modem, the method including establishing a Plain Old Telephone System (POTS) connection if an error is detected on the Broadband modem. (p. 2, paragraph 0019; see also Abstract.) Owens, however, fails to expressly or inherently teach the storing of notification information received by the administrative system. Owens also fails to teach, expressly or inherently, the storing of information generated by the administrative system relating to a course of action implemented by the administrative system in response to the notification.

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Owens discloses a DSL modem that includes a cache for storing a log or history of prior diagnostic sessions and a memory for storing communication, transceiver and diagnostic procedures. (p. 4, paragraphs 0046 and 0051.) None of the stored procedures, however, relate either to notification information received by an administrative system or to information generated by the administrative system relating to a course of action implemented by the administrative system. Moreover, the memory described in Owens is contained in the DSL modem; it is not directly linked or connected to an administrative system.

Owens also discloses a remote server that has a memory for storing such data as a user identifier, telephone number of a telephone line for which DSL service is provided, and a log of prior diagnostic sessions. (p. 4, paragraph 0056.) Applicants respectfully assert, however, that such a log does not expressly or inherently teach the storing of notification information received by an administrative system, as recited in the amended independent claims. Nor does a log of prior diagnostic sessions expressly or inherently teach the storing of information generated by an administrative system relating to a course of action implemented by the administrative system, as also recited in the amended independent claims, since a record that previous sessions occurred does not inevitably teach the storing of information relating to the actions that were taken in response to a DSL failure.

At least one other feature recited in each of the amended independent claims is not expressly or inherently taught by either Rango or Owens is the sending of a message informing a subscriber to the Digital Subscriber Line of when resumption of service over the Digital Subscriber Line is expected. It is noted at page 6 of the Office Action that Owens discloses that the previously-mentioned remote server also notifies a DSL subscriber when the subscriber should contact an ISP customer support person. (p. 6, paragraph 0084.) This is entirely different, however, from informing a DSL subscriber of

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when the DSL service is likely to resume after a line failure has occurred, as recited in each of the amended independent claims.

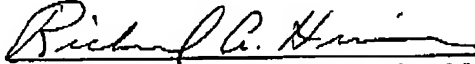
Applicants, therefore, respectfully submit that both Rango and Owens fail to expressly or inherently teach every feature recited in independent Claims 1, 6, and 11, as amended. Applicants thus respectfully maintain that each of the amended independent claims defines over the prior art. Applicants further respectfully maintain that whereas each of the dependent claims depends from one of the amended independent claims, dependent Claims 2-5, 7-10, and 12-17 likewise define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance. Allowance is therefore respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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